

Appln No. 10/811,075
Amdt date March 24, 2006
Reply to Office action of February 21, 2006

REMARKS/ARGUMENTS

Claims 1-57 were pending in this application when last examined by the Examiner. Claims 5, 37, and 45-46 have been amended. Claim 47 has been canceled because it is duplicative of claim 46. The amendments find full support in the original specification, claims, and drawings. No new matter has been added.

As an initial matter, Applicant encloses herewith supplemental Declarations and Powers of Attorney executed by the inventors. Applicant submits the supplemental Declarations and Powers of Attorney because this application is a continuation-in-part of Application Serial No. 10/642,435, now U.S. Patent No. 6,940,422. Applicant respectfully requests entry of the supplemental Declarations and Powers of Attorney.

Applicant notes that the supplemental Declaration and Power of Attorney executed by one of the inventors, Conrad Foster, gives Power of Attorney to Scott C. Harris. However, Applicant directs the Examiner to a Substitution of Attorney by Assignee dated November 30, 2004, which was submitted with a Letter In Response to Notice to File Missing Parts dated January 7, 2005. The Substitution of Attorney by Assignee revokes all previous Powers of Attorney and appoints the practitioners associated with customer number 23363.

Claims 5 and 45-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant submits that amended claims 5 and 45-46 now comply with 35 U.S.C. 112, second paragraph. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested.

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,940,422. Applicant has enclosed a Terminal Disclaimer for the purpose of shortening the term of the patent that issues on the present application so that the patent does not extend beyond the expiration date of U.S. Patent No. 6,940,422.

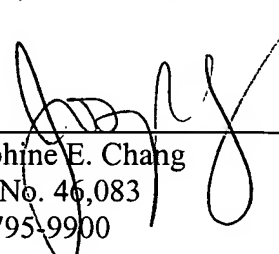
Appln No. 10/811,075
Amdt date March 24, 2006
Reply to Office action of February 21, 2006

Applicant notes that the Examiner did not cite any prior art against the pending claims. Accordingly, the now-pending claims 1-46 and 48-57 are in condition for allowance.

In view of the enclosed Terminal Disclaimer and the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 1-46 and 48-57 are respectfully requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By


Josephine E. Chang
Reg. No. 46,083
626/795-9900

JEC/lal

MEE PAS673255.1-*03/24/06 11:30 AM